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S E C R E T SECTION 01 OF 02 BAGHDAD 003782

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SUBJECT: AMBASSADOR URGES PM TO PUSH FORWARD WITH SPD  
SIGNATURE

Classified By: Ambassador Ryan Crocker. Reasons: 1.4 (b) & (d).

11. (S) SUMMARY: Ambassador Crocker urged PM Maliki November 14 to meet the November 20 deadline for signature of the Strategic Partnership Declaration (SPD). Ambassador said conclusion of the SPD was an important effort that will set the stage for the UNSCR renewal and will define the bilateral relationship for coming years. It also was the USG understanding that bilateral agreement on the actual text had been reached, making the November 20 signing possible. Maliki countered that while there was political agreement in principle, the current political situation in Iraq was an obstacle, citing politicians who opposed SPD and could portray the signing as the PM ceding Iraqi sovereignty to the U.S., thus weakening his government.

12. (S) Maliki said he needed overwhelming support in the Council of Representatives (CoR) for SPD. He was scheduled to brief the Political Council on National Security and the CoR over the next few days, but reiterated the need for CoR support and voiced concern about emphasis on meeting the November 20 deadline for signing, rather than the general goal of signature. Maliki raised the issue of continued MNF-I custody of condemned former regime figures Ali Hassan al-Majid, Sultan Hashem Ahmed and Hussein Rashid al-Tikriti, warning of future constitutional problems if the U.S. maintained its current stance. Ambassador pointed out to Maliki that continued custody was the result of the GOI's inability to reach consensus on legal interpretation of the Iraqi court ruling against the three, underscoring that the U.S. would not be drawn into arbitration of this internal Iraqi matter. END SUMMARY.

13. (S) In their weekly meeting, Ambassador Crocker urged PM Maliki November 14 to meet the November 20 deadline for signature of the Strategic Partnership Declaration (SPD). Noting that he had briefed POTUS on the extensive work of USG and GOI representatives to reach agreement on a final SPD text, Ambassador said POTUS saw conclusion of the SPD as an important effort that will set the stage for the UNSCR renewal and will define the bilateral relationship for coming years. It also was the USG understanding that bilateral agreement on the actual text had been reached, thus making possible the November 20 signing.

14. (S) PM Maliki said that while there was political agreement in principle on the SPD text, the current political situation in Iraq was an obstacle, i.e., politicians who said that they supported signature of the SPD but acted contrary to that position. Maliki elaborated that as much as he was working to normalize the political situation, others were working to undermine it. Of specific note was the Council of

Representatives (CoR), which he feared would scuttle an SPD signing unless he was able to muster "an overwhelming majority," which he gauged as 60-70 percent support in the CoR. Maliki said he also was concerned that some representatives would portray PM signature as ceding Iraqi sovereignty to the U.S. and use it to undermine his government.

15. (S) Ambassador pointed out that the signatures of the five leaders on the August 26 declaration constituted CoR support, and the Kurds were solidly behind the SPD, as was ISCI. Nothing would embody a more concrete demonstration of Iraqi sovereignty than signature of the SPD, given the tenets of sovereignty enshrined in the last paragraph of the document. Ambassador underscored to Maliki that the SPD was important to the U.S., Iraq, and the stability of the region.

16. (S) Maliki acknowledged the support of the Kurds, but reiterated that work needed to be done to win over the CoR. He said that he planned to brief the Political Council for National Security on SPD November 16, followed by a briefing to the CoR November 17. Maliki suggested that the U.S. could help build SPD support in the CoR by having concurrent meetings with these two bodies.

17. (S) Ambassador said that he had met with VP Adel Abdel Mehdi and with VP Tariq Hashemi, noting that Adel said he not only supported the SPD, but he would accompany Maliki to the CoR if Maliki requested, and ensure that the Presidency Council signed the SPD. Ambassador urged Maliki to exercise leadership, as he had done in previous difficult moments, such as his recent successful effort to obtain a cabinet vote to send the correct version of the de-ba'athification law to

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the CoR.

18. (S) Dwelling on the need to build CoR support, Maliki complained that the CoR was inconsistent in exercising its political responsibilities, instead, randomly choosing when to step in and when to refrain from involvement. He cited CoR President Mashadani's recent complaint that presentation of the de-ba'athification law to the CoR was not handled according to procedures. Ambassador told Maliki that he had seen Mashadani prior to his meeting with the PM; Mashadani said that he would support the SPD.

19. (S) Maliki resisted agreement on November 20 as the date certain for signing the SPD, claiming that it was not his understanding that he had reached a firm date with POTUS, and that a delay in the SPD signing beyond that date would reflect poorly on him with POTUS. The goal was to sign the SPD, not to sign by a certain date. Turning to the SPD itself, Maliki noted one sentence in the most recent draft on continued support for Iraqi Security Forces which he wanted modified. Ambassador said that the U.S. was ready to address all concerns that the GOI might have on the text, but added that it was possible to reach final agreement on a text that day, underscoring the November 20 deadline.

110. (S) At the end of the meeting, Maliki raised continued U.S. custody of condemned former regime figures Ali Hassan al-Majid, Sultan Hashem Ahmed, and Hussein Rashid al-Tikriti. Maliki warned that the USG unwillingness to turn over the three to the GOI could lead to constitutional problems down the road, adding that he understood that the Embassy Legal Advisor supported the PM's position that the three should be turned over to the GOI. Ambassador pointed out that in fact, the Embassy's legal team believed concluded that the Presidency Council's insistence on its concurrence was more consistent with Iraqi law. Continued USG custody of the three was the result of the Office of the Prime Minister and the Presidency Council's inability to reach agreement on the legal interpretation of the Iraqi court ruling against the three. The U.S. could not turn the three men over to the GOI

in the absence of adherence to Iraqi law. The U.S. had no role or responsibility to arbitrate what is a wholly GOI internal dispute, and would not be made a party to this dispute. On that note, Maliki closed the discussion, reiterating his concern over continued MNF-I custody of the three and future problems that this situation would bring.

¶11. (S) At the end of the meeting, Ambassador secured a commitment from Maliki to work towards an agreed-upon SPD text and signature on November 20. Maliki said, however, that he wished to keep the date silent, so as not to create expectations. (NOTE: Embassy is working with the Presidency Council and other leaders to secure the political support Maliki claims he needs to move forward. END NOTE)  
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